

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

WILLIAM BALL,

Plaintiff,

v.

CIVIL ACTION NO. 2:08-cv-01380

TROOPER WELLMAN, et al.,

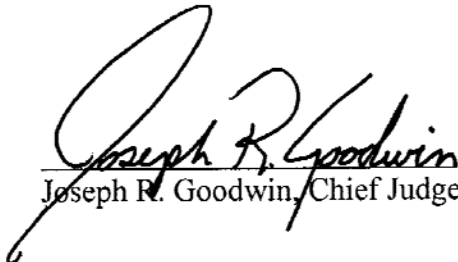
Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the defendants' Motion for Involuntary Dismissal of Plaintiff's Claims for Failure to Prosecute [Docket 39], pursuant to Federal Rule of Civil Procedure 41(b). The Motion is **GRANTED**, and this case is **DISMISSED** without prejudice. This dismissal shall not operate as an adjudication on the merits.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 28, 2010


Joseph R. Goodwin, Chief Judge